



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#15

Applicant(s): Matthew During *et al.*

Application No: 09/939,472-2671

Filing Date: August 24, 2001

Entitled: **NOVEL PEPTIDE WITH EFFECTS  
ON CEREBRAL HEALTH**

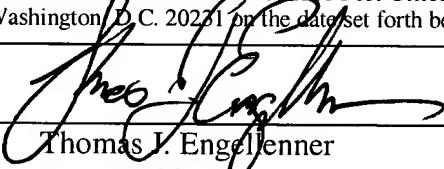
Atty. Docket No: 104036-17

Group Art Unit: 1646

Examiner: O. Chernyshev

Certificate of Mailing (37 C.F.R. 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

6 March 2003	By: 
Date of Signature and Mail Deposit	Thomas J. Engeljenner Reg. No: 28,719

**PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION  
PURSUANT TO 37 CFR 1.137(b)**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**RECEIVED**

MAR 12 2003

Dear Sir:

**OFFICE OF PETITIONS**

It is respectfully requested that the above-identified application be revived from abandonment. A response to the outstanding office action (mailed from the Patent Office on July 18, 2002) is being filed concurrently herewith. It is respectfully submitted that the entire delay in filing the required reply from the due date for the required reply until the filing of the present petition was unintentional. The present petition is being filed within one year of the date of abandonment.

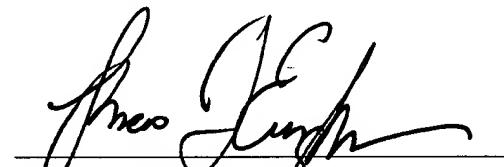
03/12/2003 TTRAN1 00000051 09939472

01 FC:2453

650.00 0P

The appropriate petition fee pursuant to 37 CFR 1.17(m) is being filed concurrently herewith. Enclosed is a check which covers the appropriate fee of \$650.00 based on small entity status. Please charge any underpayments or credit any overpayments to our Deposit Account No. 141449. A duplicate of this sheet is enclosed.

Respectfully submitted,  
NUTTER, McCLENNEN & FISH, LLP



Thomas J. Engellennel  
Registration No. 28711  
Attorney for Applicants

World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2604  
Tel: (617)439-2948  
Fax: (617)310-9948

Dated: March 6, 2003

**RECEIVED**  
MAR 12 2003  
**OFFICE OF PETITIONS**

1198330.1



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$ 650.00)

**C mpt if Known**

Application Number	09/939,472-Conf. #2671
Filing Date	August 24, 2001
First Named Inventor	Matthew During
Examiner Name	O. Chernyshev
Group Art Unit	1646
Attorney Docket No.	104036-0017

**METHOD OF PAYMENT (check all that apply)**

Check  Credit Card  Money Order  Other  None

## Deposit Account

Deposit Account Number 141449

Deposit Account Name Nutter McCennen & Fish LLP

The Commissioner is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments

Charge any additional fee(s) during the pendency of this application

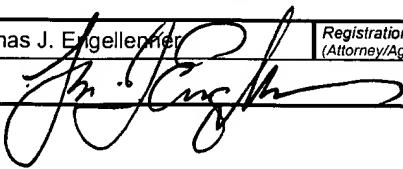
Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1051	130	2051	65	Surcharge - late filing fee or oath	
		1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
		1053	130	1053	130	Non-English specification	
		1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
		1251	110	2251	55	Extension for reply within first month	
		1252	410	2252	205	Extension for reply within second month	
		1253	930	2253	465	Extension for reply within third month	
		1254	1,450	2254	725	Extension for reply within fourth month	
		1255	1,970	2255	985	Extension for reply within fifth month	
		1401	320	2401	160	Notice of Appeal	
		1402	320	2402	160	Filing a brief in support of an appeal	
		1403	280	2403	140	Request for oral hearing	
		1451	1,510	1451	1,510	Petition to institute a public use proceeding	
		1452	110	2452	55	Petition to revive - unavoidable	
		1453	1,300	2453	650	Petition to revive - unintentional	650.00
		1501	1,300	2501	650	Utility issue fee (or reissue)	
		1502	470	2502	235	Design issue fee	
		1503	630	2503	315	Plant issue fee	
		1460	130	1460	130	Petitions to the Commissioner	
		1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
		1806	180	1806	180	Submission of Information Disclosure Stmt	
		8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
		1809	750	2809	375	Filing a submission after final rejection (37 CFR 1.129(a))	
		1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
		1801	750	2801	375	Request for Continued Examination (RCE)	
		1802	900	1802	900	Request for expedited examination of a design application	
		Other fee (specify)					
		SUBTOTAL (2) (\$ 0.00)		*Reduced by Basic Filing Fee Paid		SUBTOTAL (3) (\$ 650.00)	

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	Thomas J. Engelleper	Registration No. (Attorney/Agent)	28,711	Telephone (617) 439-2948
Signature			Date	March 6, 2003

1196734.1

RECEIVED

MAR 1 2 2003

OFFICE OF PETITIONS



DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Matthew During et al.  
Application No: 09/939,472-2671  
Filing Date: August 24, 2001  
Entitled: **NOVEL PEPTIDE WITH EFFECTS ON CEREBRAL HEALTH**  
Atty. Docket No: 104036-17

Group Art Unit: 1646

Examiner: O. Chernyshev

Commissioner for Patents  
Washington, D.C. 20231

**TRANSMITTAL LETTER**

Dear Sir:

I enclose herewith for filing in the above-identified application the following:

1. Response to Restriction/Election Requirement;
2. Petition To Revive An Unintentionally Abandoned Application (in duplicate);
3. A check for \$650.00 (for petition fee);
4. Fee Transmittal Form
5. Return receipt postcard.

The Commissioner is authorized to charge any overpayments or underpayments if necessary to our Deposit Account No. 141449, Reference No. 104036-17.

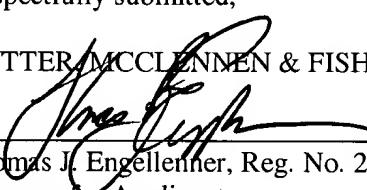
I hereby certify that this correspondence is deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

6 March 2003  
Date

Thomas J. Engellenner Reg. No. 28,711

Respectfully submitted,

NUTTER MCCLENNEN & FISH, LLP

  
Thomas J. Engellenner, Reg. No. 28,711  
Attorney for Applicants  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2604  
Tel: (617) 439-2948  
Fax (617) 310-9948

1198354.1



**021125**

PATENT & TRADEMARK OFFICE

**RECEIVED**

MAR 12 2003

OFFICE OF PETITIONS



#16

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Matthew During et al.

Application No: 09/939,472-2671

Filing Date: August 24, 2001

Entitled: **NOVEL PEPTIDE WITH EFFECTS  
ON CEREBRAL HEALTH**

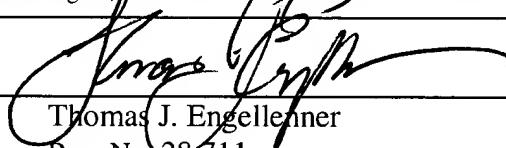
Atty. Docket No: 104036-17

Group Art Unit: 1646

Examiner: O. Chernyshev

**Certificate of Mailing (37 C.F.R. 1.8(a))**

I hereby certify that this correspondence is being deposited with the United States Postal Service Post Office as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

<i>6 March 2003</i>	By:	
Date of Signature and Mail Deposit		Thomas J. Engellenner Reg. No. 28,711

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

Response to Restriction Requirement Under 35 U.S.C. §121. In the Office Action mailed from the Patent Office on July 18, 2002, the Examiner required election of one of the following groups:

Group I: Claims 1-2, and 23-29; and

Group II: Claims 3-22.

**RECEIVED**

MAR 12 2003

**OFFICE OF PETITIONS**

In response to the Office Action of July 18, 2002, Applicants elect the Group II invention (Claims 3-22 drawn to methods of therapy) and further elect species of claims 3-8 (methods of enhancing learning, memory and cognition)..

If the Examiner disagrees with the above assessment or the status of the pending claims, a more detailed explanation of the basis for restriction is requested, especially as it relates to the species of Group II.

In addition, Applicants request that the restriction requirements be reconsidered and withdrawn in their entirety. It appears that a single search should suffice for examination of all aspects of this invention.

In any event, full examination of claims 3-8 is requested in light of Applicants' election.

A Petition for Revival of an Unintentionally Abandoned Application is submitted herewith, together with the appropriate fee. In the event that any additional fees are required, please charge deposit account 141449.

Respectfully submitted,

NUTTER, McCLENNEN & FISH, LLP



Thomas J. Engellenner  
Reg. No. 28,711  
Attorney for Applicants

Date: March 6, 2003

World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2604  
Tel: (617)439-2948  
Fax: (617)310-9948

1196726.1

RECEIVED  
MAR 12 2003  
OFFICE OF PETITIONS